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 ATTORNEY IN CHARGE FOR ARCPE I LLC

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF TEXAS**  
**CORPUS CHRISTI DIVISION**

IN RE:	§	CASE NO. 22-20164
VERONICA SAENZ	§	
	§	CHAPTER 13
DEBTOR(S)	§	

**MOTION FOR RELIEF FROM THE STAY AND CO-DEBTOR STAY, IF**  
**APPLICABLE REGARDING EXEMPT PROPERTY**  
**REGARDING 525 POENISCH DRIVE, CORPUS CHRISTI, TX 78412**  
**(\*\* With Variance Request\*\*)**

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NO LATER THAN 7 DAYS BEFORE THE DATE OF THE HEARING AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN FIVE BUSINESS DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON AUGUST 12, 2022 AT 9:00 A.M. THE INITIAL HEARING WILL BE TELEPHONIC. PARTIES IN INTEREST MUST CONSULT JUDGE ISGUR'S PROCEDURES (AVAILABLE ON THE COURT'S WEB SITE) FOR DIALING INSTRUCTIONS.

1. This Motion requests an Order from the Bankruptcy Court authorizing the person filing this Motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: ARCPE 1 LLC
3. Movant, directly or as agent for the holder, holds a security interest in:

**LOT 13, BLOCK 3, PARADE PLACE UNIT 2, AN ADDITION TO THE CITY OF CORPUS CHRISTI, TEXAS, NUECES COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 45, PAGE 133, MAP OR PLAT RECORDS OF NUECES COUNTY, TEXAS.**

**AND PROPERTY MORE COMMONLY KNOWN AS 525 POENISCH DRIVE,  
CORPUS CHRISTI, TX 78412 ("PROPERTY").**

4. Movant has not reviewed the schedules filed in this case as debtor has not filed schedules.
5. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): Real Estate
6. Debtor's scheduled value of property: Schedules not filed.
7. Movant's estimated value of property: \$231,657.00
8. Total amount owed to Movant: N/A (foreclosed and Note was extinguished)
9. Estimated equity (paragraph 7 minus paragraph 8): N/A
10. Total pre and post-petition arrearages: N/A (foreclosed and Note was extinguished)
11. Total post-petition arrearages: N/A (foreclosed and Note was extinguished)
12. Amount of unpaid, past due property taxes, if applicable: \$0.00.
13. Expiration date on insurance policy, if applicable: N/A.
14. \_\_\_\_\_ Movant seeks relief based on the Debtor(s) failure to make payments. Debtor(s)' payment history is attached as Exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self-explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.
15. \_\_\_\_\_ Movant seeks relief based on the Debtor(s)' failure to provide certificate of insurance reflecting insurance coverage as required under the Debtor's pre-petition contracts.

**Variance Request**

Movant exercised the power of sale contained in the Deed of Trust and sold the Property at the foreclosure sale held on June 7, 2022 (the "Foreclosure Sale"). The Substitute Trustee's Deed was recorded on June 15, 2022.

Movant obtained the Property at the Foreclosure Sale. Movant is the legal and equitable owner of the Property, as evidenced by Substitute Trustee's Deed filed of record under Clerk's Document Number 2022029128, a copy of which is attached hereto marked as Exhibit "C".

Movant would show the Court that Debtor has no ownership interest of any kind, as the Note has already been foreclosed upon. Debtor is not a tenant and has no legal right as to the property and the Property is not necessary or essential to the Debtors' reorganization.

Movant further requests that the automatic stay of 11 U.S.C. § 362 be terminated “for cause” to allow Movant to exercise its rights under the loan documents and applicable law to take possession and/or evict any the Debtor from said real property based upon the fact that Debtor has no legal title to the property.

16. If applicable: Name of Co-Debtor: Dominique D. Lane
17. Based on the foregoing, Movant seeks termination of the automatic stay and the Co-Debtor stay, if applicable to allow Movant to foreclose or repossess the Debtor(s)’ property and seeks to recover its costs and attorneys’ fees in an amount not to exceed the amount listed in paragraph 9.
18. Movant certifies that prior to filing this Motion an attempt was made to confer with the Debtor(s)’ counsel (or with Debtor(s), if *pro se*) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: July 12, 2022 at 3:14 p.m. by Michael Weems. An agreement could not be reached. If requested by Debtor or Debtor’s counsel, a payment history in the form attached to this Motion was provided at least two business days before this Motion was filed.

Date: July 14, 2022

Respectfully submitted:



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Movant’s Counsel Signature

**Dominique Varner** TBA #00791182/FIN 18805

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ATTORNEY FOR MOVANT

**Certificate of Service and Certificate of Compliance with BLR 4001**

A copy of this motion was served on the persons shown below and on exhibit "1" at the addresses reflected on that exhibit on 18 day of July, 2022 by electronic mail or by prepaid United States first class mail. Movant certifies that Movant has complied with Bankruptcy Local Rule 4001.

DEBTOR  
VERONICA SAENZ  
525 POENISCH DR  
CORPUS CHRISTI, TX 78412

DEBTORS' ATTORNEY  
TIMOTHY D RAUB  
RAUB LAW FIRM PC  
814 LEOPARD  
CORPUS CHRISTI, TX 78401


TRUSTEE  
YVONNE V VALDEZ  
CHAPTER 13 TRUSTEE  
555 N CARANCAHUA SUITE 600  
CORPUS CHRISTI, TX 78401

US TRUSTEE  
606 N CARANCAHUA  
CORPUS CHRISTI, TX 78401

CO-DEBTOR  
DOMINIQUE D. LANE  
525 POENISCH DRIVE  
CORPUS CHRISTI, TX 78412

CLAYTON LOCKLEER EVERETT  
NORRED LAW FIRM, PLLC  
515 E. BORDER ST.  
ARLINGTON, TX 76010

KATHRYN NICHOLE DAHLIN  
CODILIS & MOODY PC  
400 N. SAM HOUSTON PKWY. E., STE. 900A  
HOUSTON, TX 77060

  
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